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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA
6

7 JOHN BARNHOUSE,
8

9 Plaintiff,

10 v.
11 Defendants.

12 No. C13-5771 BHS/KLS
13

14 **REPORT AND RECOMMENDATION**
15 **Noted For: December 6, 2013**

16 JOHN DOE HERNADES, JOHN DOE
17 FURTINO, STEVE RICHMOND, ALL
18 JAIL GUARDS, ALL JEFFERSON
19 COUNTY SHERIFF'S OFFICERS,
20

21 This civil rights action has been referred to the undersigned United States Magistrate
22 Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. It
23 has been more than sixty days since the Court's mailings to Plaintiff were returned and the Court
24 does not have a current address for the Plaintiff. Therefore, the undersigned recommends that
25 the Court dismiss this action as Plaintiff appears to have abandoned his case.

26 **DISCUSSION**

19 On September 3, 2013, Plaintiff filed an application to proceed in forma pauperis (IFP)
20 and proposed civil rights complaint. ECF No. 1. On September 4, 2013, the Clerk advised
21 Plaintiff by letter that his IFP application was deficient because he had failed to provide
22 information relating to his trust account and the application was submitted on behalf of more
23 than one person. ECF No. 2. Plaintiff was given a deadline of October 7, 2013 to correct the
24 deficiencies in his IFP application. *Id.*
25

1 The Clerk's letter to Plaintiff was returned to the Court as undeliverable, marked
2 "Released, Return to Sender." ECF No. 3. Plaintiff has not provided his current address to the
3 Court.

4 Rule 41(b)(2) of the Local Rules provides:

5 A party proceeding pro se shall keep the court and opposing parties advised as to
6 his current address. If mail directed to a pro se [Plaintiff] by the clerk is returned
7 by the Post Office, and if such [Plaintiff] fails to notify the court and opposing
8 parties within 60 days thereafter of his current address, the court may dismiss the
action without prejudice for failure to prosecute.

9 CR 41, Local Rules W.D. Wash.

10 **CONCLUSION**

11 This action has existed more than sixty days without a current address for the Plaintiff.
12 Dismissal without prejudice for failure to prosecute is appropriate. Accordingly, the undersigned
13 recommends **DISMISSAL WITHOUT PREJUDICE** for failure to prosecute pursuant to Local
14 Rule 41(b)(2).

15 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
16 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
17 objections. *See also* Fed. R.Civ.P. 6. Failure to file objections will result in a waiver of those
18 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the
19 time limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on
20 December 6, 2013, as noted in the caption.

21 **DATED** this 18th day of November, 2013.

22
23
24 
25 Karen L. Strombom
26 United States Magistrate Judge